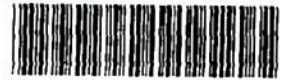


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IV

10102275

IN THE MATTER OF:
THE CITY INDUSTRIES SITE
WINTER PARK, FLORIDA

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ADMINISTRATIVE
SETTLEMENT



This Administrative Settlement is entered into between the United States Environmental Protection Agency ("EPA"), and the Agricultural Research Service of the United States Department of Agriculture ("ARS"), pursuant to Section 122(g) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), 42 U.S.C. 9601 et seq., as amended by the Superfund Amendments and Reauthorization Act of 1986 ("SARA"), Pub. L. No. 99-499, 100 Stat. 1613. This Administrative Settlement addresses ARS's contribution toward the reimbursement of past response costs which have been incurred by EPA at a property known as the "City Industries site". This property is located in Winter Park, Florida and owned by Charles Blackburn.

I. Definitions

"Response costs" for the purpose of this Administrative Settlement means all costs, including pre-judgment interest and legal fees, incurred by EPA as a result of the release or threatened release of hazardous substances at or from the City Industries site up to and including May 30, 1987.

II. Statement of Purpose

This Administrative Settlement was negotiated and executed between EPA and ARS in good faith. The parties hereto

agree that neither this Administrative Settlement nor the contribution in settlement thereunder shall constitute or be construed as an admission of liability or fault. In entering this Administrative Settlement, the mutual objective of the parties is to reach an efficient final settlement that permits ARS to make a cash payment to the Hazardous Substance Superfund for response costs that EPA has incurred at the City Industries site. This contribution is based on the formulated volumetric share of alleged liabilities devised by the Steering Committee of generator defendants who are settling with the government for claims against them in United States v. City Industries, Inc. et al., Civil Action No. 87-472-CIV-ORL-18 in the United States District Court for the Middle District of Florida.

III. Response Actions Conducted

Up to and including May 30, 1987, EPA has conducted various response activities at the site to include preventing spills from containers of hazardous substances on the site, conducting the removal of drums and hazardous substances from the site, and removing and treating contaminated top soil from the site.

IV. Agreement

A. Reimbursement of Costs.

EPA claims the amount of at least \$535,781 in response costs incurred with the actual EPA sponsored surface clean up at the City Industries site through May 30, 1987. ARS is identified as a generator and potentially responsible party under CERCLA of

waste disposed of at the site. By this Administrative Settlement, ARS agrees to make contribution in the amount of one hundred fifty dollars (\$250.00) toward the reimbursement of Hazardous Substance Superfund for CERCLA recovery costs incurred at the City Industries site.

ARS shall pay the above amount within 90 days after this agreement has become final and effective. Payment shall be made by certified check payable to the "Hazardous Substance Superfund" and shall reference on the face of the check the name "City Industries Site" and "DOJ # 90-11-3-179." Payment shall be delivered by certified mail to the following address:

U.S. Environmental Protection Agency, Region IV
Superfund Accounting
P.O. Box 100142
Atlanta, Georgia 30384

Payment made by the ARS under this Section shall serve as a credit toward judgment against any or all of the remaining defendants in the City Industries litigation.

B. Contribution Protection

In consideration of the payments by ARS set forth above, EPA agrees that ARS is entitled to statutory contribution protection pursuant to Section 122(g)(5) of SARA, Pub. L. No. 99-499, 100 Stat. 1613. The percentage of response costs paid by ARS under this Administrative Settlement shall in no way constitute an admission by either EPA or ARS as to an appropriate allocation of liability among parties potentially responsible for response costs associated with the City Industries site.

C. Reservations of Rights

1. EPA reserves the right to seek costs from ARS, in proportion to that Agency's volumetric share, for reimbursement of future response activities conducted or sponsored by EPA and its agents in connection with the site.

2. By entering into this Administrative Settlement, EPA and ARS do not in any way compromise any controversy against, discharge, covenant not to sue, or release from liability any person or entity not a party to this Administrative Settlement for any act or omission relating to the disposal, treatment, or transport of hazardous substances at or to the City Industries site.

D. Public Participation

Before this Administrative Settlement may become final, EPA shall publish notice of this Administrative Settlement, in the Federal Register and the notice shall include the identity the parties to this Administrative Settlement. For the period of 30 days, beginning on the date of publication of notice, the public shall be provided with the opportunity to submit to EPA written comments relating to this Administrative Settlement. EPA shall review any comments filed pursuant to such notice prior to EPA's determination as to whether or not to finalize this Administrative Settlement. The parties understand that EPA may withdraw or withhold consent to this Administrative Settlement if EPA determines that such comments disclose facts or

considerations which indicated that this proposed Administrative Settlement is inappropriate, improper, or inadequate.

F. Effective Date

This Administrative Settlement shall be effective after signature of authorized representative of ARS and upon the final authorized signature of EPA. All rights and responsibilities of the participating parties shall accrue from the date that EPA executes the document.

Consent and Authorization

The United States Environmental Protection Agency, by the duly authorized representative named, titled and signed thereunder, hereby consents to this Administrative Settlement for Response Costs associated with the City Industries site, DOJ # 90-11-3-179 and agrees to be bound by the terms and conditions thereof.

By: Greer C. Tidwell
GREER C. TIDWELL
Regional Administrator
United States Environmental
Protection Agency, Region IV

Dated: JUL 24 1989

The United States Department of Agriculture, by the duly authorized representative named, titled and signed hereunder, hereby consents to this Administrative Settlement for Response Costs associated with the City Industries site, DOJ # 90-11-3-179 and agrees to be bound by the terms and conditions thereof.

By: Ernest L. Corley, Jr.
ERNEST L. CORLEY, JR.
Area Director
Agriculture Research Service
United States Department of
Agriculture

Dated: March 28, 1989, ~~1988~~